

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung-Wan KO et al.

Application No. 10/663,981

Group Art Unit: 2627

Confirmation No. 1954

Filed: September 17, 2003

Examiner: Jorge L. Ortiz Criado

For: METHOD OF AND APPARATUS FOR MANAGING DISC DEFECTS IN DISC, AND
DISC ON WHICH DEFECTS ARE MANAGED

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed on April 8, 2008 referencing a Statement of Reasons for Allowance contained in a Notice of Allowability that was mailed on December 13, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of claim 19. However, the Examiner has not recited the appropriate language for claim 19 as pending and allowed in the application.

By way of example, it is stated that "the controller, during finalization of the disc, record..." However, the correct language is "a controller that controls the recording/reading unit...during finalization of the storage medium, to record..." It is respectfully submitted that the

passage should not be a basis for any estoppel or interpretation.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the allowed claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

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By: Seth S. Kim
Seth S. Kim
Registration No. 54,577

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510